

**THE UNITED STATES DISTRICT COURT
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:13-cr-00054-MR-DLH**

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.

JOHN ROBERT GILBERT,

Defendant.)

ORDER

THIS MATTER is before the Court *sua sponte* to continue the case.

On August 6, 2013, the Defendant was charged in a Bill of Indictment with two counts of possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1). [Doc. 1]. The Defendant made his initial appearance on August 14, 2013, at which time counsel was appointed. The Defendant's arraignment was held on August 15, 2013, at which time this case was placed on the August 26, 2013 term for trial.

The Court finds that this case should be continued. “Unless the defendant consents in writing to the contrary, the trial shall not commence less than thirty days from the date on which the defendant first appears

through counsel or expressly waives counsel and elects to proceed pro se.” 18 U.S.C. § 3161(c)(2). The Defendant here has not so consented, and thus, his trial may not start less than thirty days from his appearance with counsel.

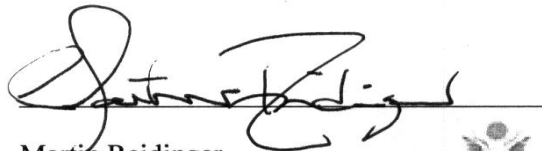
Additionally, if this case were not continued, the Court finds that counsel would be denied “the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv).

For the reasons stated herein, the ends of justice served by the granting of the continuance outweigh the best interest of the public and the Defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

IT IS, THEREFORE, ORDERED that the above-captioned case is **CONTINUED** from the August 26, 2013 term in the Asheville Division.

IT IS SO ORDERED.

Signed: August 15, 2013


Martin Reidinger
United States District Judge

